

REMARKS

Claims 1-28 are pending. Claims 1-3, 14-16, and 28 have been amended. Claims 11, 12, 24, and 25 have been canceled. Claims 1-10, 13-23, and 26-28 remain in the application.

5 The Information Disclosure Statement electronically filed on January 24, 2008 was not acknowledged in the present Office action. This Information Disclosure Statement was timely filed and must be considered on the record. 37 C.F.R. § 1.97(c). Acknowledgement of the foregoing Information Disclosure Statement and entry of the cited art references are respectfully requested.

10 **Objection to Specification**

The title of the invention stands objected to as non-descriptive and has been amended. No new matter has been entered. Withdrawal of the objection is requested.

Rejections under 35 U.S.C. § 112, first paragraph

15 Claims 11 and 24 stand rejected under 35 U.S.C. § 112, first paragraph, for lack of enablement. Although Claim 1 is stated as rejected, Claim 11 is assumed as rejected to based on the reasons for the rejection as stated in the Office action. Claims 11 and 24 have been canceled, thus rendering the rejection moot.

20 **Rejections under 35 U.S.C. § 112, second paragraph**

Claims 11 and 24 stand rejected under 35 U.S.C. § 112, second paragraph, for indefiniteness. Claims 11 and 24 have been canceled, thus rendering the rejection moot.

25 Additionally, Claims 2, 3, 15 and 16 stand rejected under 35 U.S.C. § 112, second paragraph, for indefiniteness. Claims 2, 3, 15 and 16 have been amended and are now definite. No new matter has been entered. Support for the amendments can be found in the specification, for example, on page 10, line 18-page 12, line 8. Withdrawal of the rejection is respectfully requested.

30 **Rejections under 35 U.S.C. § 102(a)**

Claims 1-28 stand rejected under 35 U.S.C. § 102(a) as being anticipated by U.S. Patent No. US 6,546,554, issued to Schmidt et al. ("Schmidt"). Applicant traverses.

5 A claim is anticipated under 35 U.S.C. § 102(a) only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. MPEP 2131. The Schmidt patent fails to teach or suggest each and every claim element and fails to anticipate Claims 1-28.

Schmidt discloses a browser-independent apparatus and method for receiving, installing, and launching applications from a browser (Abstract). A 10 JNet helper application, installed on a client computer, is registered with the client computer's browser (Col. 7, lines 52-57). When a JNL metafile is encountered by the browser in a HTML file, a copy of the JNL metafile is downloaded to the client computer (Col. 7, lines 59-61). The JNet helper application parses the JNL metafile and identifies necessary components to install and launch the application 15 detailed in the JNL metafile (Col. 7, line 66-Col. 8, line 1). Any components not already installed on the client computer are downloaded by the JNet helper application (Col. 8, lines 2-4). When all necessary components are gathered, the JNet helper application installs the requested application and launches the application separate from the browser process (Col. 8, lines 11-21).

20 Independent Claims 1 and 14 have been amended to recite the limitations of now-canceled Claims 11 and 24, respectively. Independent Claim 28 has been amended accordingly. No new matter has been entered. Support for the claim amendments can be found in the specification, for example, on page 9, line 25-page 10, line 9.

25 The claim amendments should not necessitate a new ground of rejection based on prior art not of record, as each of the limitations in the claim amendments were already considered and examined in the first Office action. *See* MPEP 706.07(a) ("A second or any subsequent action on the merits in any application or patent involved in reexamination proceedings should not be made 30 final if it includes a rejection, on prior art not of record, of any claim amended to include limitations which should reasonably have been expected to be claimed")

(emphasis added)).

Such limitations are neither taught nor suggested by Schmidt. Schmidt teaches an apparatus and method for receiving, installing, and launching software applications in a browser-independent manner (Col. 3, lines 10-15). In particular,

5 Schmidt fails to teach or suggest implementing the network service software component in the code bundle to offer functionality equivalent to the network service provided by the service host system, per Claims 1, 14, and 28. Once the network service is installed on a requesting system, another requesting system can download and update the network service from the initial requesting system

10 without having to communicate with the service host system. In other words, the network service becomes “viral” and the initial requesting system becomes a service host system.

Therefore, the Schmidt reference fails to describe all the claim limitations and does not anticipate Claims 1, 14, and 28. Claims 2-10 and 13 are dependent 15 on Claim 1 and are patentable for the above-state reasons, and as further distinguished by the limitations therein. Claims 15-23, 26, and 27 are dependent on Claim 14 and are patentable for the above-state reasons, and as further distinguished by the limitations therein. Withdrawal of the rejection is requested.

The prior art made of record and not relied upon has been reviewed by the 20 applicant and is considered to be no more pertinent than the prior art references already applied.

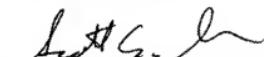
Further examination of the application and entry of the claim amendments are respectfully requested. Claims 1-10, 13-23, and 26-28 are believed to be in a condition for allowance and a Notice of Allowance is earnestly solicited. Please 25 contact the undersigned at (206) 381-3900 regarding any questions or concerns associated with the present matter.

Response to Office Action
Docket No. D/A3420

Respectfully submitted,

5 Dated: August 4, 2008

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